



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

SLR:KAN

*271 Cadman Plaza East  
Brooklyn, New York 11201*

July 19, 2011

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Honorable Nicholas Garaufis  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Vincent Basciano,  
Criminal Action No. CR-05-060 (Garaufis, J.)

Dear Judge Garaufis:

The government respectfully submits this letter in response to the Court's Scheduling Order, entered June 3, 2011 (Docket No. 1273), directing the government to provide a report on the status of efforts to satisfy the \$5.4 million forfeiture money judgment previously entered against the defendant in United States v. Basciano, CR-03-929 (NGG) (Docket No. 1077).

To date, no payments have been made toward the forfeiture money judgment. Although the government believes that there are assets that it may pursue in order to satisfy the judgment at least in part, pursuit of those assets will require the government to engage in depositions and discovery. See Final Order of Forfeiture, CR-03-929, Docket No. 1077, at ¶ 3 (permitting government to conduct discovery); Fed. R. Crim. P. 32.2(e) (authorizing Court "at any time" to amend forfeiture order to include subsequently located property and substitute property); Fed. R. Crim. P. 32.2(b)(3) (authorizing discovery); 21 U.S.C. § 853(m) (same); 21 U.S.C. § 853(p) (governing forfeiture of substitute assets). Because of ongoing criminal investigations in other districts, the government has refrained from initiating this discovery. However, we anticipate that we will be in a position to engage in this discovery shortly.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

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cc: All Counsel By ECF